

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TELLY ALLEN,

Plaintiff,

v.

HARIS,

Defendant.

Case No. 2:20-cv-02396-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO STATE A CLAIM

RESPONSE DUE WITHIN TWENTY-ONE
DAYS


On February 3, 2021, the court screened plaintiff's complaint and notified plaintiff that the complaint failed to state a claim. ECF No. 7. Plaintiff was granted sixty days to file an amended complaint. *Id.* To date, plaintiff has not filed an amended complaint.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 Plaintiff will be given a chance to explain why the court should not dismiss the case for
2 his failure to file an amended complaint. Plaintiff's failure to respond to this order will constitute
3 a failure to comply with a court order and will result in a recommendation that this action be
4 dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case
5 should not be dismissed for failure to prosecute and failure to state a claim. Should plaintiff wish
6 to continue with this lawsuit, he shall file, within twenty-one days, a first amended complaint.

7
8 IT IS SO ORDERED.

9 Dated: April 23, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE